

In the United States Court of Federal Claims  
OFFICE OF SPECIAL MASTERS  
No. 23-0212V

LEWIS VON ALMEN,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: February 7, 2024

*Jeffrey S. Pop, Jeffrey S. Pop & Associates, Beverly Hills, CA, for Petitioner.*

*Alec Saxe, U.S. Department of Justice, Washington, DC, for Respondent.*

**RULING ON ENTITLEMENT**<sup>1</sup>

On February 13, 2023, Lewis Von Almen (“Petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, et seq.<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that he suffered from Guillain-Barré syndrome (“GBS”), a Table injury, as a result of an influenza (“flu”) vaccine he received on October 12, 2020. Petition at 1.<sup>3</sup> The case was assigned to the Special Processing Unit of the Office of Special Masters.

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<sup>1</sup> Because this unpublished Ruling contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

<sup>3</sup> The petition also implicates a Pneumovax 23 pneumococcal polysaccharide vaccine which Petitioner also received on the same day, October 12, 2020. As Respondent emphasizes, this latter vaccine is not covered by the Vaccine Act and the Vaccine Injury Table.

On February 7, 2024, Respondent filed his Rule 4(c) report in which he **concedes** that Petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, Respondent agrees that Petitioner has satisfied the criteria set forth in the effective Vaccine Injury Table ("Table") and the Qualifications and Aids to Interpretation ("QAI"), which afford Petitioner a presumption of causation if the onset of GBS occurs between three and forty-two days after a seasonal flu vaccination, and there is no more likely alternative diagnosis and no apparent alternative cause. *Id.* at 10 – 11 (citing 42 C.F.R. §§ 100.3(a)(XIV)(D), (c)(15)).

**In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**

Brian H. Corcoran  
Chief Special Master